

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

ASHLEY H. THOMPSON, mother, *
JUSTIN THOMPSON, minor child, *
JORDAN THOMPSON, minor child, *
and RONALD C. THOMPSON, *
husband, *
*
Plaintiffs, *
* CIVIL ACTION NO. 2:06-cv-420-WHA
v. *
*
RUBEN GARZA, *
*
Defendants. *

DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

COMES NOW the Defendant, Ruben C. Garza, by and through counsel, and respectfully requests this Honorable Court, pursuant to Rule 56, Fed.R.Civ.P., to enter summary judgment in his favor on the wantonness claim asserted by the Plaintiffs, as well as the loss of parental consortium claims asserted on behalf of Justin and Jordan Thompson. There are no disputed issues of material fact and the Defendant is entitled to summary judgment on these claims. In support of said motion, the Defendant submits the following:

1. The Complaint (Exhibit A).
2. The deposition of Ashley Thompson (Exhibit B).
3. The Affidavit of Ruben Garza (Exhibit C).
4. Defendant's Brief in Support of Motion for Partial Summary Judgment.

WHEREFORE, PREMISES CONSIDERED, the Defendant asserts that he is entitled to summary judgment on the Plaintiff's claim of wantonness. There are no disputed issues

of material fact as to this claim and, pursuant to Rule 56, Fed.R.Civ.P., the Defendant is entitled to judgment as a matter of law.

Respectfully submitted this the 28th day of February, 2007.

/s/ S. Anthony Higgins

S. ANTHONY HIGGINS
Attorney for Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certified that on the 28th day of February, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/S. Anthony Higgins
Of Counsel